

REMARKS

Claims 1, 3 and 5-7 have been rejected under 35 U.S.C. §§ 102(b) and 103(a). Claims 2 and 4 have been cancelled and are no longer at issue. Therefore, claims 1, 3 and 5-7 are pending and at issue.

35 U.S.C. §102

Claims 1, 3 and 5-7 stand rejected as being anticipated by U.S. Patent 5,614,568 to Mawatari et al. However, the rejection is improper and should be withdrawn.

Mawatari discloses an antibacterial resin composition prepared to provide sufficient antibacterial properties for specific resin compositions for use in air conditioners, kitchenware and for other purposes. Additionally, the antibacterial agent of Mawatari, as described in column 4 line 63 through column 7 line 65, exhibits its effect while being held within the resin composition, as opposed to being released from the resin. Mawatari further discloses the use of fibrous inorganic filler for the purpose of enhancing the strength of the resin.

However, the present invention as claimed relates to a pesticidal resin composition including, inter alia, “a chemical agent having a pesticidal property.” Mawatari fails to disclose such a composition. As stated above, Mawatari discloses an “antibacterial resin composition” containing an antibacterial agent which is significantly different from the recited chemical agent having a pesticidal property. Therefore, as Mawatari fails to disclose one or more aspects recited in the claims, the rejection is improper. Accordingly, the rejection of claims 1, 3 and 5-7 under 35 U.S.C. § 102(b) should be withdrawn.

35 U.S.C. § 103

Claims 1, 3 and 5-7 stand rejected as being unpatentable over JP 9-169916 to Fukuvi in view of Mawatari. However, the rejection is improper and should be withdrawn.

Fukuvi discloses an insect control resin that may be formed into a plastic solid to prevent insects from entering devices such as vending machines, lighting systems and other electronic equipment. The Office Action alleges that Fukuvi discloses a pesticidal resin containing fibrous inorganic filler. This is a mischaracterization of Fukuvi as the reference discloses the use of inorganic fillers, but not *fibrous* inorganic fillers as recited in the present claims. Fibrous inorganic fillers provide the unexpected result of a more improved sustained release of the pesticidal chemical agent as described on page 9, line 27 through page 10, line 1 of the present application. Fukuvi attempts to prolong the insect repellant effect of the resin by blending pyrethoid insect repellant to a resin containing an antistatic component and further blending a plasticizer or an effectiveness enhancement agent thereto. Accordingly, Fukuvi not only fails to teach the improved sustained release of a pesticidal chemical agent through the use of fibrous inorganic fillers, but Fukuvi fails to teach the use of fibrous inorganic fillers at all and instead teaches the use of other components to prolong the insect repellant effect of the resin.

There would be no motivation to combine Mawatari with Fukuvi. Specifically, Mawatari also fails to disclose the unexpected result of a more improved sustained release of a pesticidal chemical agent through the use of fibrous inorganic filler. As described previously, Mawatari uses fibrous inorganic filler to improve the strength of the resin and not for sustained release of a chemical agent. Additionally, Mawatari is not concerned about prolonging sustained release of a

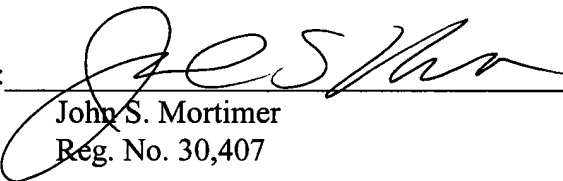
chemical agent, let alone a pesticidal chemical agent, because the antibacterial agent of Mawatari is being held within the resin itself and is not being released. Therefore, Mawatari also fails to disclose the unexpected result of a more improved sustained release of the pesticidal chemical agent through the use of fibrous inorganic filler. As both Mawatari and Fukuvi fail to teach or suggest the unexpected result of a more improved sustained release of the pesticidal chemical agent from the use of fibrous inorganic filler, there is no suggestion or motivation to combine the references as alleged by the Office Action to achieve the composition of the present invention. Therefore, claims 1, 3 and 5-7, which recite, inter alia, a “fibrous inorganic filler” and a “chemical agent having a pesticidal property” are either taught nor suggested by Fukuvi in view of Mawatari. Accordingly, the rejection under 35 U.S.C. § 103(a) is improper and should be withdrawn.

[cont'd]

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of the rejections of claims 1, 3 and 5-7 and the allowance of the case.

Respectfully Submitted,

By: 
John S. Mortimer
Reg. No. 30,407

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER
Citicorp Center, Suite 3800
500 West Madison Street
Chicago, IL 60661-2511
312/876-1800